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OFFICE OF PETITIONS  
ON PETITION

In re Application of :  
Mike E. Hamerly et al :  
Application No. 09/771,757 :  
Filed: January 29, 2001 :  
Attorney Docket No. 56132USA9A.002 :

This is a decision on the petition, filed January 17, 2003, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

**Petitioner is advised that the issue fee paid on December 23, 2002 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>**

Telephone inquiries should be directed to Wan Laymon at (703) 306-5685.

After receipt of the application in the Office of Petitions, the application will be forwarded to Technology Center AU 2874 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the currently filed IDS.

  
Frances Hicks

Lead Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

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<sup>1</sup> The request to apply the issue fee to the new Notice must be made in writing and should be accompanied by the new Issue Fee Transmittal Form PTOL-85(b), along with a copy of this decision. Additionally, if the issue fee has increased from the previously paid issue fee, the balance due must be submitted. **Failure to timely request in writing that the previously paid issue fee be applied towards the new Notice and payment of any balance due will result in the abandonment of the application.**